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Email: <u>clarisse@nv-lawfirm.com</u>

ATKINSON LAW ASSOCIATES LTD.

376 E Warm Springs Rd, Suite 130

Las Vegas, NV 89119 Telephone: (702) 614-0600

Attorney for Robert E. Atkinson, Trustee

CLARISSE L. CRISOSTOMO, ESQ., Bar No. 15526

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEVADA

In re:

INFINITY CAPITAL MANAGEMENT, INC. *dba* INFINITY HEALTH CONNECTIONS,

Debtor.

Case No. 21-14486-abl Chapter 7

DECLARATION OF ROBERT E. ATKINSON

I, Robert E. Atkinson, hereby declare as follows:

- 1. I am over the age of 18 and have personal knowledge of the facts stated herein. Such personal knowledge is based upon the records obtained in this case, my own investigations, and discussions with my counsel. I am competent to testify to the same.
- 2. I make this Declaration in support of my motion entitled MOTION TO APPROVE SETTLEMENT (the "*Motion*"), filed contemporaneously herewith.
- 3. The Debtor provided me copies of titles to the Vehicles, which show that title to the Vehicles are "Or"-type titles, i.e., the Odyssey is held in the name of INFINITY CAPITAL MANAGEMENT OR OLIVER HEMMERS, and title to the Pilot is held in the name of INFINITY CAPITAL MANAGEMENT OR ANNE PANTELAS.
- 4. At the Section 341 meeting held in this case, Oliver and Anne acknowledge that the Debtor paid for Odyssey and the Pilot, but that these vehicle payments were part of fringe benefits to them paid for by the company and that the cars are in fact their personal cars.

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- 5. Oliver and Anne represent that the Pilot is not in good shape and is worth only approximately \$1,000, but that the Odyssey is worth the Kelley Blue Book value (\$19,570).
- 6. I believe settlement results in a quick, fair, and reasonable recovery for the general unsecured creditors of the estate, factoring in the overall recovery, the expectations for collection, and, most importantly, the significant relative cost associated with trying to litigate the issues raised in the Objection outside of this settlement.
- 7. I, in my business judgment: (i) assert that I made an informed decision in entering into the Agreement; (ii) believe that the settlement between the parties (as evidenced by the Agreement) is fair, equitable, and reasonable; and (iii) believe that approval of the Agreement is in the best interests of the Bankruptcy Estate and its creditors.

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I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge, information, and belief.

/s/ Robert Atkinson
ROBERT E. ATKINSON, Trustee